REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks. Claims 88-92 and 97-102 are pending. Claims 88-92 and 97-102 are rejected. Claims 88 and 97 are amended. No new matter has been added.

Rejection of Claims 88-92, 97-100, and 102 under 35 U.S.C. §103(a)

Claims 88-92, 97-100, and 102 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,334,133 to Thompson *et al.* ("Thompson") in view of U.S. Patent 6,466,914 to Mitsuoka *et al.* ("Mitsuoka"). This rejection is traversed. Pursuant to the requirements for establishing a *prima facie* case of obviousness under 35 U.S.C. §103, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Referring to MPEP Section 2142,

> [t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations**. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(emphasis added). The Examiner fails to establish a *prima facie* case of obviousness.

Independent claim 88, as amended, recites "A system comprising: an employee database having information about qualifications of a plurality of employees, qualifications of a plurality of temporary employees, and associations with web pages, wherein a web page is associated with each of the temporary employees, each web page being made available to client computers via web browser programs; a position database having information about a plurality of positions and qualifications for positions; and a server configured for: updating the information about open positions in response to a preference message requesting that a specific open position be offered to at least one preferred temporary employee, notifying each preferred temporary employee who

meets the qualifications of the specific open position; and posting information about the specific open position to the web pages associated with each preferred temporary employee and the specific open position being specially marked thereby differentiating the specific open position from open positions that the temporary worker is qualified to fill."

The cited art does not teach or suggest "posting information about the specific open position to the web pages associated with each preferred temporary employee and the specific open position being specially marked thereby differentiating the specific open position from open positions that the temporary worker is qualified to fill." (emphasis added). Exemplary support for this step can be found in the specification on page 16, lines 12-13, which recites: "At point 20 the system displays all available job openings to the substitute teacher 10. Personal requests by absent teachers are specially marked." As a result of the special marking, a temporary employee can know that they are a preferred temporary employee for that position.

The Office Action recites that "Thompson fails to expressly disclose ... 'posting information about the specific open position to the web pages associated with each preferred temporary employee and the specific open position being specially marked.'" The Office Action asserts that Mitsuoka discloses this element. Specifically, the Office Action asserts that

> As per the recitation of "the specific open position being specially marked," the Examiner considers the job offer notification in Figure 6 to be a form of specially marking the open position. As per the recitation of "preferred temporary employees," Mitsuoka discloses that the job offer notification is made based on the schedules of the contractors and is only offered to those contractors whose schedules are free (col. 10, lines 2-50). Further, Mitsuoka discloses that the job offer notification is made based on the aptitude values of respective contractors, wherein the aptitude value is determined based on the results of jobs that have been contracted before, wherein a job provider evaluates the contractor's work as part of the aptitude value, wherein the job provider assigns a desired aptitude value for a contractor than then the job notification is sent out only to contractors who have at least the aptitude necessary for the job (col. 10 line 52 to col. 11 line 35, col. 11 lines 51-58, col. 13 lines 31-47, col. 14 lines 53-60). It is further noted that Mitsuoka discloses notifying contractors of jobs through email using the broker (Fig. 1, col. 6 line 27 to col. 7, line 9).

See the Office Action pages 11-12. The asserted section does not teach or suggest that the posted position is specially marked. Specifically, the Office Action asserts that Figure 6 of Mitsuoka

discloses specially marking the specific open position. Figure 6 of Mitsuoka "is a schematic drawing of an example of a screen displayed by the contractor client in the first embodiment." *See* Mitsuoka, Col. 5, lines 21-22. Figure 6 illustrates a "Job Contract Application Form" which includes a "Word Count" value, "Due Date" value, "Remuneration" value, "Apply" button, and "Cancel" button. The posted position is NOT specially marked. There are no special markings illustrated in Figure 6 that informs the temporary employee that he/she is a preferred temporary employee for the posted position. The Office Action fails to assert how the information in Figure 6 is "specially marked." Thus, the Office Action fails to establish a *prima facie* case of obviousness because the cited art does not teach or suggest posting information about the specific open position to the web pages associated with each preferred temporary employee and the specific open position being specially marked" as recited in claim 88 of the present application and similarly recited in independent claim.

Thus, for at least these reasons, independent claims 88 and 97, as well as dependent claims 89-92 and 98-102, respectively, are patentable over the cited art. As a result, the applicants request that the rejection of claims 88-92, 97-100, and 102 under 35 U.S.C. §103(a) be withdrawn.

Rejection of Claim 101 under 35 U.S.C. §103(a)

Claim 101 is rejected under 35 U.S.C. §103(a) as being unpatentable over Thompson in view of Mitsuoka as applied to claim 97, and further in view of US Patent 6,301,574 to Thomas *et al.* ("Thomas"). Since claim 101 is dependent on allowable independent claim 97 and since Thomas does not cure the deficiencies of claim 97, dependent claim 101 is allowable as well. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time.

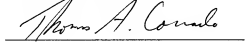
For at least these reasons, dependent claim 101 is patentable over the cited art. Accordingly, it is respectfully requested that the rejection of claim 101 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

CONCLUSION

The foregoing is submitted as a full and complete Response to the non-final Office Action mailed November 29, 2006, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (703)714-7448 is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0206, and please credit any excess fees to such deposit account.

Respectfully submitted,



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